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SENSITIVE

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SUBJECT: JEHOVAH,S WITNESSES OPTIMISTIC ABOUT SECURING
PUBLIC CORPORATION RIGHTS IN ALL STATES

11. (U) SUMMARY: The Jehovah's Witnesses in Germany have almost reached the finish line in their efforts to become a "corporation under public law" in all of Germany's 16 federal states. Eleven federal states (Bavaria, Berlin, Hamburg, Hesse, Lower Saxony, Schleswig-Holstein, Saxony, Thuringia, Saarland, Brandenburg, and Saxony-Anhalt) have granted the Jehovah's Witnesses "Public Corporation Rights" status. With the exception of Berlin in 2006, the Jehovah's witnesses were not required to resort to the courts to achieve their goal of becoming a "corporation under public law." Five federal states (Baden-Wuerttemberg, Rhineland-Palatinate, Bremen, Mecklenburg-Vorpommern, and North-Rhine Westphalia) continue to drag their feet for various reasons but are expected to officially recognize the Jehovah's Witnesses as a public law corporation in the near future. The Jehovah's Witnesses continue to express their confidence in the fairness of Germany's legal system, although the federal state governments' reluctance to enter into a substantial dialogue with the Jehovah's Witnesses on issues of mutual interest remains a sore point. End Summary.

BACKGROUND

12. (U) In a conversation on 15 July with Pol Off and POL LES, a lawyer with the Jehovah's Witnesses, Gajus Glockentin, noted that there are over 165,000 active Jehovah's Witnesses members who perform missionary work in Germany and an additional 45,000 "inactive" members. In Eastern Germany, there are about 40,000 active members; almost half of them live in Saxony, with many living in the city of Chemnitz. On 9 July, over 210,000 Jehovah's Witnesses gathered at Berlin's Olympic Stadium and four other major German cities (Dortmund, Frankfurt, Hamburg and Munich) for an international congress. Some 30,000 people arrived from abroad, and services were held in German, English, Polish and Russian.

13. (U) In February 2006 -- after spending ten years in the courts -- the Jehovah's Witnesses won an important legal victory when the Federal Administrative Court in Leipzig confirmed the Berlin High Administrative Court's decision to grant Jehovah's Witnesses "Public Corporation Rights" (see para 6 for a full explanation of the concept). In response to the Berlin court decision, the Jehovah's Witnesses immediately applied for "Public Corporation Rights" in all federal states, citing the Berlin ruling as a precedent.

STATE POLITICS

14. (SBU) Three years after their victory in the Berlin court, the Jehovah's Witnesses are now seeing the fruits of their labor. Glockentin told us that the following states have now granted the Jehovah's Witnesses "Public Corporation Rights": Bavaria, Berlin, Hamburg, Hesse, Lower Saxony, Schleswig-Holstein, Saxony, Thuringia, Saarland, Brandenburg,

and Saxony-Anhalt. With the exception of Berlin, the Jehovah's witnesses were not required to resort to the courts to secure "Public Corporation Rights." Five federal states (Baden-Wuerttemberg, Rhineland-Palatinate, Bremen, Mecklenburg-Vorpommern, and North-Rhine Westphalia) are withholding recognition. According to Glockentin, Baden Wuerttemberg, despite some political opposition, is likely to confer "Public Corporation Rights" on the Jehovah's Witnesses on July 28 when CDU Minister-President Guenther Oettinger convenes his last cabinet meeting before the summer.

15. (SBU) Bremen and North-Rhine Westphalia -- unlike other states -- must draft appropriate legislation to afford public corporation status and it is unlikely that this process will be completed during the current heated political climate before the upcoming September 27 parliamentary elections. According to Glockentin, Mecklenburg-Vorpommern's slow bureaucracy prevents the Jehovah's Witnesses from securing speedy recognition there. The Rhineland-Palatinate, led by SPD Minister-President Kurt Beck, remains opposed to granting the Jehovah's Witnesses "Public Corporation Rights" and, according to Glockentin, it remains uncertain how the process of recognition will play out there.

16. (U) In Germany, religion and state are separate, although a special partnership exists between the state and those religious communities that have the status of a "corporation under public law." Any religious organization may request that it be granted "public law corporation" status, which, among other things, entitles it to levy a tithe (averaging nine percent of income tax) which the state then collects, and to name prison, hospital, and military chaplains. Public

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law corporations pay a fee to the Government for this tax service; not all avail themselves of it. The decision to grant public law corporation status is made at the state level and applying religious communities must satisfy certain requirements, including demonstrating permanence, showing a certain number of members, and showing no hostility to the constitutional order or to fundamental rights. Because the ultimate determination of public corporation status is placed with each state, inconsistent treatment has resulted as states have interpreted the same permanency requirement differently.

COMMENT

17. (SBU) Gajus Glockentin was very optimistic about the Jehovah's Witnesses' chances in securing "Public Corporation Rights" in the remaining five states, although he was not sure how Germany's electoral dynamics over the next two and a half months would affect the decision making processes in those states. Glockentin reiterated the Jehovah Witnesses' confidence in the fairness of Germany's legal system, although he complained that his dialogue and outreach efforts vis-a-vis several state governments were not always reciprocated. Germany's political establishment wrestled over three years -- despite significant resistance from certain political and religious quarters -- with the question of granting public corporation status to the Jehovah's Witnesses. One state may be holding out with significant reservations but the Embassy senses that it is only a matter of time before this issue is resolved -- by court intervention, if necessary -- in favor of the Jehovah's Witnesses. Unfortunately, it will take more time for the German public to become comfortable with the Jehovah's Witnesses' religious practices, a fact Glockentin acknowledged when he told us that a "great amount of public education would be necessary to allay German concerns" about the Jehovah's Witnesses and their mission in Germany. End comment.
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